

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
 REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
 62660(52171)

In re Application of: Alexander Doernling et al.

Application No.: 10/520,791-Conf. #3248

Filed: January 8, 2005

For: TUBULYSIN CONJUGATES

The owner, R&D-Biopharmaceuticals GmbH, of 100  
 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of  
 any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any  
 patent granted on pending reference Application Number 10/520,793, filed on July 8, 2005  
 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may  
 be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner  
 hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the  
 and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on  
 the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that  
 would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said  
 reference application, "as the term of any patent granted on said reference application may be shortened by any terminal  
 disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent: granted  
 on the pending reference application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a  
 court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims  
 canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term  
 as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,  
 etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
 information and belief are believed to be true; and further that these statements were made with the knowledge that willful false  
 statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United  
 States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

Dr. Wolfgang Richter  
 Signature

March 3, 2010  
 Date

Dr. Wolfgang Richter  
 Typed or printed name

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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